

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Final Rejection electronically delivered January 2, 2008, and the telephonic interview with the Examiner on February 26, 2008. The Applicants respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-21 in the application. In the present preliminary amendment, the Applicants have amended Claims 1, 5-15, 19 and 21. Support for the amendment can be found in, for example, paragraphs 33, 37, 41-43, 60, 67-70, 77, 131 and 135 of the original application. The Applicants have not canceled or added any claims. Accordingly, Claims 1-21 are currently pending in the application.

I. Rejection of Claims 1, 8 and 15 under 35 U.S.C. §112

The Examiner has rejected Claims 1, 8 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts "each other" of "each other link" does not appear to refer to a specific path or how it is determined. (See Examiner's Final Rejection, page 3.) In response, the Applicants have amended Claims 1, 8 and 15 to render this rejection moot. Accordingly, the Applicants respectfully request the Examiner to withdraw the §112 rejection with respect to Claims 1, 8 and 15 and allow issuance thereof.

II. Rejection of Claims 1-21 under 35 U.S.C. §102

The Examiner has rejected Claims 1-21 under 35 U.S.C. §102(b) as being anticipated by “Disjoint Path in Networks” by Suurballe. The Applicants respectfully disagree in view of the present amendment and the below arguments.

Suurballe relates to finding k-minimal cost disjoint paths between source and destination nodes wherein each link is associated with a single weight (*i.e.*, cost). (*See* the Abstract and Introduction on pages 125-126. Emphasis added.) The Applicants fail to find where Suurballe discloses each limitation of amended independent Claims 1, 8 and 15. For example, the Applicants fail to find where Suurballe discloses decomposing a walk into a set of bridges in a network such that each link of a primary QoS path is protected by a bridge of the set of bridges and each bridge of the set of bridges protects a different portion of the primary QoS path.

Additionally, Suurballe fails to disclose a restoration path between a source and a destination includes a bridge from the set of bridges and links of the primary QoS path as recited in amended independent Claims 1, 8 and 15. Instead, Suurballe teaches seeking disjoint paths between a sink and a source. (*See* the Abstract and Introduction on pages 125-126.) Thus, instead of a restoration path including a bridge and links from a primary QoS path, Suurballe relies on disjointed paths for recovery (*see* Figure 4).

Furthermore, Suurballe appears to be silent regarding provisioning QoS paths and restoration paths wherein **both** the primary QoS path and the restoration path satisfy QoS constraints as recited in amended independent Claims 1, 8 and 15. On the contrary, as noted above, Suurballe fails to even disclose restoration paths as presently claimed.

Thus, for at least the reasons above, Suurballe does not disclose each and every element of amended independent Claims 1, 8 and 15 and Claims dependent thereon. Suurballe, therefore, does not anticipate Claims 1-21. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1-21 and allow issuance thereof.

Regarding the dependent Claims, the Applicants also do not find where Suurballe discloses the additional limitations of amended Claims 5-7, 9-14, 19 and 21. The Applicants respectfully request the Examiner to indicate otherwise if the Examiner disagrees.


III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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